

**CHAPTER 12 CAPITOL INTEREST OVERLAY DISTRICT****Section**

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**1200 PREAMBLE**

- 1200.1 The Capitol Interest (CAP) Overlay District is established to promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act.
- 1200.2 The land use controls embodied in the Zoning Regulations for the land adjacent to the U.S. Capitol should reflect the importance of the area to the District of Columbia and the nation.
- 1200.3 The CAP Overlay District, controlling land use as well as height and bulk, shall provide sufficient controls for the areas south of the U.S. Capitol and the historic residential district to the east of the U.S. Capitol.
- 1200.4 The CAP Overlay District is intended to provide particular controls adjacent to properties having an obvious and well-recognized general public interest.
- 1200.5 The CAP Overlay District shall further restrict some of the permitted uses allowed in the existing zone districts and applicable in the area to reduce the possibility of harming the site, district, or building to be protected.
- 1200.6 The list of permitted uses contained in this chapter shall include only those uses that would have very limited external impacts.
- 1200.7 The CAP Overlay District shall provide for more control of the height and bulk allowed in existing zone districts now applicable in the area.
- 1200.8 The CAP Overlay District shall be mapped in combination with any zone district mapped at such location and shall not be in lieu of any district mapped at that location.

1200.9 All uses, buildings, and structures permitted in accordance with the appropriate sections of this title for the district with which the mapped CAP Overlay District is combined shall be permitted in those combined districts, except as specifically modified by this chapter.

1200.10 All restrictions and prohibitions provided with respect to either of the zone districts combined pursuant to this chapter shall also apply in the CAP Overlay District.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

**SOURCE:** Final Rulemaking published at 32 DCR 3022 (May 31, 1985); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8440-41 (October 20, 2000).

## 1201 USE REGULATIONS

1201.1 Except as provided in chapters 20 through 25 of this title, in the CAP Overlay District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 1201.2 through 1201.4.

1201.2 The following uses shall be permitted as a matter of right:

- (a) In the CAP/R-4 Overlay District, any use permitted as a matter of right in the R-4 District;
- (b) In the CAP/R-5-B Overlay District, any use permitted as a matter of right in the R-5-B District;
- (c) In the CAP/SP Overlay District, any use permitted as a matter of right in the SP District; and
- (d) In the CAP/C-2-A and CAP/C-M-1 Overlay Districts, any use permitted as a matter of right in the C-2-A District, except that the following uses shall not be permitted:
  - (1) Gasoline service station as an accessory use to a parking garage or public storage garage;
  - (2) Parking lot, parking garage, or public storage garage;

- (3) Automobile laundry;
- (4) Automobile rental agency;
- (5) Installation of automobile accessories;
- (6) Automobile or truck sales;
- (7) Boat or other marine sales;
- (8) Drive-in restaurant;
- (9) Parcel delivery service; and
- (10) Electric substation or natural gas regulator station.

1201.3 The following uses shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3104 for special exceptions and this section:

- (a) In the CAP/R-4 and CAP/R-5-B Overlay Districts, any use permitted as a special exception in those underlying districts, respectively, except that the following uses shall not be permitted:
  - (1) Parking lot; provided, that a parking lot in existence on May 31, 1985 may continue subject to the special exception provisions of the underlying zone;
  - (2) Telephone exchange;
  - (3) Public utility pumping station; and
  - (4) Storage of wares and goods on an alley lot.
- (b) In the CAP/SP Overlay District, any use permitted as a special exception in the SP District, except that the following uses shall not be permitted:
  - (1) Parking lot or parking garage;
  - (2) Telephone exchange; and
  - (3) Public utility pumping station.

(c) In the CAP/C-2-A Overlay District, any use permitted as a special exception in the C-2-A District, except that the following uses shall not be permitted:

- (1) Gasoline service station; provided, that a gasoline service station existing on May 31, 1985 may be remodeled, repaired, or replaced subject to the special exception provisions of the underlying zone;
- (2) Motorcycle sales and repairs; and
- (3) Public utility pumping station.

1201.4 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by this section shall be permitted.

**SOURCE:** Final Rulemaking published at 32 DCR 3022, 3023 (May 31, 1985); as amended by: Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8441-42 (October 20, 2000); and Final Rulemaking published at 49 DCR 8891, 8894 (September 27, 2002).

## **1202 SPECIAL EXCEPTIONS**

1202.1 In an application for a special exception in any CAP Overlay District, the Board of Zoning Adjustment shall consider whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
- (c) In accordance with the plan promulgated under the Act.

1202.2 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

1202.3 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

- 1202.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

**SOURCE:** Final Rulemaking published at 32 DCR 3022, 3026 (May 31, 1985); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8442-43 (October 20, 2000).

### **1203 HEIGHT, AREA, AND BULK REGULATIONS**

- 1203.1 Except as specified in § 1203.2 and in chapters 20 through 25 of this title, the height of buildings or structures in the CAP Overlay District shall not exceed forty feet (40 ft.) or three (3) stories in height.

- 1203.2 The height of buildings or structures as specified in § 1203.1 may be exceeded in the following instances:

- (a) A spire, tower, dome, minaret, pinnacle, or penthouse over elevator shaft may be erected to a height in excess of that authorized in § 1203.1; and
- (b) If erected or enlarged as provided in § 411, housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the zone district in which located; provided, that the housing is set back from all lot lines of the lot upon which the structure is located a distance equal to its height above the roof of the top story. In any case, a roof structure shall not exceed ten feet (10 ft.) in height above the roof upon which it is located.

- 1203.3 Except as specified in chapters 20 through 25 of this title, the maximum permitted floor area ratio of a building or structure in the CAP Overlay District shall not exceed one and eight-tenths (1.8).

- 1203.4 All provisions of § 411 shall also apply to roof structures in the CAP Overlay District. The gross floor area of roof structures permitted under this subsection shall not be counted in determining the amount of off-street parking as required elsewhere in this title.

**SOURCE:** Final Rulemaking published at 32 DCR 3022, 3026 (May 31, 1985); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8443 (October 20, 2000).